

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

LARRY J. WEBSTER,)	No. CIV S-93-0306 LKK DAD DP
)	
Petitioner,)	<u>DEATH PENALTY CASE</u>
)	
vs.)	
)	MODIFIED SCHEDULING ORDER
S.W. ORNOSKI, Acting)	
Warden of the California State Prison)	
at San Quentin,)	
)	
Respondent.)	
)	

This capital habeas action came before the court on March 21, 2007, for a status conference. James S. Thomson and Timothy J. Foley appeared on behalf of petitioner. Deputy Attorney General Patrick J. Whalen appeared on behalf of respondent.

Having considered the written materials submitted in connection with the status conference, and after hearing from the parties, and good cause appearing, IT IS HEREBY ORDERED as follows:

1. The previously scheduled date for the evidentiary hearing on the ineffective assistance of counsel at penalty phase, May 7, 2007, at 10:00 a.m., is continued to September 5, 2007, at 10:00 a.m.

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2. On or before April 20, 2007, the parties shall file with the court and serve upon each other the following with respect to expert witnesses related to the ineffective assistance of counsel at penalty phase claim:
 - a. A list of expert witnesses;
 - b. Direct testimony by declaration;
 - c. Designation of witnesses whose further testimony will be submitted by deposition;
 - d. Designation of witnesses intended to be called at the evidentiary hearing;
 - e. Copies of exhibits; and
 - f. Any documents submitted under Rule 7 of the Rules Governing § 2254 cases.
3. On or before May 4, 2007, the parties shall file with the court and serve upon each other:
 - a. Any response, opposition or objections to expert witness designations; and
 - b. Designation of rebuttal witnesses.
4. Depositions of the expert witnesses shall be completed by July 20, 2007.
5. A status conference is SET for July 25, 2007 at 9:00 a.m. At that status conference, the parties should address: (1) whether any live testimony is necessary with regard to the expert witnesses and the IAC penalty claim; (2) any desired briefing schedule on the IAC penalty claim; and (3) the schedule for the other two claims requiring further factual development (meaningful appellate review and insufficient narrowing).

This Modified Scheduling Order supercedes the previously issued scheduling orders.

DATED: March 21, 2007.



DALE A. DROZD
UNITED STATES MAGISTRATE JUDGE

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1 submitted by:

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